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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,448	06/29/2001	Regis J. Crinon	42390P11286	8994

8791 7590 05/03/2006

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EXAMINER

HOYE, MICHAEL W

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/895,448	Applicant(s) CRINON ET AL.	
	Examiner Michael W. Hoyer	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-10 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10 and 15-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/2005</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
|---|---|

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed on October 31, 2005 have been fully considered but they are not persuasive.

Regarding amended independent claim 1, as well as each of amended independent claims 7, 15, 20, 23 and 28, the Applicants argue that, "...claim 1 recites a carousel having a plurality of modules wherein each of the modules "is represented in the carousel by a number of instances that is proportional to the module's priority relative to all other modules in the carousel." Bisdikian does not disclose such a carousel."

In response, the Examiner respectfully disagrees with the Applicants because Bisdikian clearly teaches that certain image frames or "modules" which are more often accessed are positioned or "represented" in a carousel by a plurality of copies or "instances", where such positioning is accomplished by assigning a priority value to each image frame or to just high usage image frames and by inserting plural copies of the higher priority value image frame(s) into the carousel (see Fig. 2a), which is proportional to the module's priority relative to all other modules in the carousel, as shown in Fig. 2a, where a high priority module is represented 3 times as many times in a carousel cycle as other information modules (see col. 3, line 36 – col. 4, line 5).

Claim Rejections - 35 USC § 102

Art Unit: 2623

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-10 and 15-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Bisdikian et al (USP 6,047,317), cited by Examiner.

Regarding claim 1, the claimed “carousel” is met as follows:

- The claimed “plurality of modules, each of the plurality of modules comprising one of a data module and an object module” is met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].
- The claimed “wherein each of the modules is represented in the carousel by a number of instances that is proportional to the module’s priority relative to all other modules in the carousel” is met by certain image frames or “modules” which are more often accessed are positioned or “represented” in a carousel by a plurality of copies or “instances”, where such positioning is accomplished by assigning a priority value to each image frame or to just high usage image frames and by inserting plural copies of the higher priority value image frame(s) into the carousel (see Fig. 2a), which is proportional to the module’s priority relative to all other modules in the carousel, as shown in Fig. 2a, where a high priority module

is represented 3 times as many times in a carousel cycle as other information modules (see col. 3, line 36 – col. 4, line 5).

Regarding claim 2, the claimed “carousel of claim 1, wherein at least one of the modules has two instances separated by at least one intervening different module of the plurality of modules” is met by the different image frames separating the instances of the first image frame as shown in Fig. 2a.

Regarding claim 3, the claimed “carousel of claim 1, wherein at least one module of the plurality of modules includes module content, the module content representing one of television program guide information, advertising information, product information, emergency information, weather information, and news information” is met by the program guide information being delivered by image frames in the carousel [col. 5, lines 13-48].

Regarding claim 7, the claimed “transmission” is met as follows:

- The claimed “transport stream” is met by the MPEG-2 transport stream [col. 4, line 34].
- The claimed “carousel encapsulated in the transport stream, the carousel having a plurality of modules, each of the plurality of modules comprising one of a data module and an object module” is met by the packetized and wrapped carousels being delivered in the MPEG-2 transport stream [col. 4, lines 29-34]. The modules are met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].

- The claimed “wherein each of the modules is represented in the carousel by a number of instances that is proportional to the module’s priority relative to all other modules in the carousel” is met by certain image frames or “modules” which are more often accessed are positioned or “represented” in a carousel by a plurality of copies or “instances”, where such positioning is accomplished by assigning a priority value to each image frame or to just high usage image frames and by inserting plural copies of the higher priority value image frame(s) into the carousel (see Fig. 2a), which is proportional to the module’s priority relative to all other modules in the carousel, as shown in Fig. 2a, where a high priority module is represented 3 times as many times in a carousel cycle as other information modules (see col. 3, line 36 – col. 4, line 5).

Regarding claim 8, the claimed “transmission of claim 7, the transport stream comprising an MPEG-2 transport stream” is met by the MPEG-2 transport stream [col. 4, line 34].

Regarding claim 9, the claimed “transmission of claim 7, the transport stream comprising at least a portion of a digital television broadcast signal” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding claim 10, the claimed “transmission of claim 7, wherein at least one of the modules has two instances separated by at least one intervening different module of the plurality of modules” is met by the different image frames separating the instances of the first image frame as shown in Fig. 2a.

Regarding claim 15, the claimed “method” is met as follows:

Art Unit: 2623

- The claimed step of “encapsulating into a transport stream a carousel having a plurality of modules, each of the plurality of modules comprising one of a data module and an object module” is met by the packetized and wrapped carousels being delivered in the MPEG-2 transport stream [col. 4, lines 29-34]. The modules are met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].
- The claimed “wherein each of the modules is represented in the carousel by a number of instances that is proportional to the module’s priority relative to all other modules in the carousel” is met by certain image frames or “modules” which are more often accessed are positioned or “represented” in a carousel by a plurality of copies or “instances”, where such positioning is accomplished by assigning a priority value to each image frame or to just high usage image frames and by inserting plural copies of the higher priority value image frame(s) into the carousel (see Fig. 2a), which is proportional to the module’s priority relative to all other modules in the carousel, as shown in Fig. 2a, where a high priority module is represented 3 times as many times in a carousel cycle as other information modules (see col. 3, line 36 – col. 4, line 5).

Regarding claim 16, the claimed “method of claim 15, further comprising transmitting the transport stream and the encapsulated carousel to a receiver” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast for delivery to set-top box 18 [col. 4, lines 37-54].

Regarding claim 17, the claimed “method of claim 15, further comprising periodically encapsulating the carousel into the transport stream” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding claim 18, the claimed “transport stream comprising an MPEG-2 transport stream” is met by the MPEG-2 transport stream [col. 4, line 34].

Regarding claim 19, the claimed “method of claim 15, the transport stream comprising at least a portion of a digital television broadcast signal” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding claim 20, the claimed “method” is met as follows:

- The claimed step of “receiving a transport stream having an encapsulated carousel, the carousel having a plurality of modules, each of the plurality of modules comprising one of a data module and an object module” is met by the reception of the MPEG-2 transport stream and the encapsulated carousel at the set-top box 18 [col. 4, line 53 – col. 5, line 12]. The modules are met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].
- The claimed step of “wherein each of the modules is represented in the carousel by a number of instances that is proportional to the module’s priority relative to all other modules in the carousel” is met by certain image frames or “modules” which are more often accessed are positioned or “represented” in a carousel by a plurality of copies or “instances”, where such positioning is accomplished by

assigning a priority value to each image frame or to just high usage image frames and by inserting plural copies of the higher priority value image frame(s) into the carousel (see Fig. 2a), which is proportional to the module's priority relative to all other modules in the carousel, as shown in Fig. 2a, where a high priority module is represented 3 times as many times in a carousel cycle as other information modules (see col. 3, line 36 – col. 4, line 5).

- The claimed step of “extracting an instance of at least one module from the transport stream” is met by the decoding of the image frames so that they can be displayed on the television receiver [col. 5, lines 4-12].

Regarding claim 21, the claimed “method of claim 20, the transport stream comprising an MPEG-2 transport stream” is met by the MPEG-2 transport stream [col. 4, line 34].

Regarding claim 22, the claimed “method of claim 20, the transport stream comprising at least a portion of a digital television broadcast signal” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding “article of manufacture” claim 23-30, see the above rejection for similar “method” claims 15-22.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 2623

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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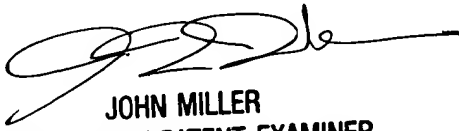
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer
May 1, 2006


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600